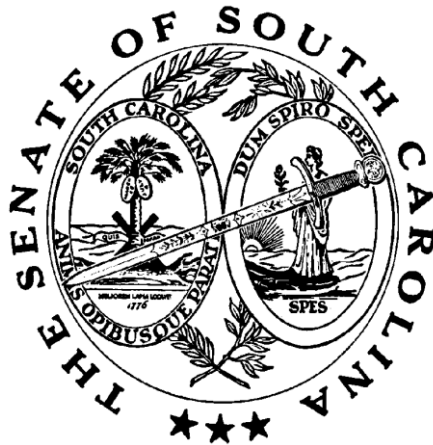


NO. 37

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2020

TUESDAY, MARCH 17, 2020

Tuesday, March 17, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Judges 6:13

“If the Lord is with us, why then has all this happened to us?”

Let us pray. Dear Lord, in the midst of the coronavirus pandemic one might ask, “Why is this happening?” But the answer is as elusive as the problem of suffering -- we just don’t know. But rather than focusing on fear and “why me”, maybe we should see this pandemic as a wake-up call --not just for us, but for our country and indeed the entire world. Is this a time to ask the really important questions like: What is my purpose in life? What is the purpose of being a parent? What part does my faith play in my attitude towards my daily actions.

Can this pause of social distancing be an opportunity to write a personal letter of appreciation to a parent, a grandparent, a child or a sick friend? Could this be a time to deal with anger and do away with the our contempt for others that divides people, political parties and countries? Can this be a time of prayer, a time of forgiveness and a time of healing the very fabric of our society? This is our prayer to You O Lord but what is our response? Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 4957

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-112-100

SUBJECT: South Carolina Teachers Loan Program

Received by Lieutenant Governor March 16, 2020

Referred to Committee on Education

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REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 4901

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-7-2320

SUBJECT: Licensure for Foster Care

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Family and Veterans' Services

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted March 12, 2020

Leave of Absence

On motion of Senator FANNING, at 2:12 P.M., Senator McLEOD was granted a leave of absence for the day.

Leave of Absence

On motion of Senator SETZLER, at 2:17 P.M., Senator J. MATTHEWS was granted a leave of absence for the day.

Leave of Absence

On motion of Senator RICE, at 2:17 P.M., Senator CASH was granted a leave of absence for the day.

Leave of Absence

On motion of Senator NICHOLSON, at 2:18 P.M., Senator GAMBRELL was granted a leave of absence for the day.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:

S. 577 Sen. Peeler

OBJECTION

H. 4937 -- Reps. Fry, Rose, Hewitt, Kirby, Clary, W. Newton, Erickson, Clemmons and B. Newton: A BILL TO AMEND SECTION 33-57-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXCEPTIONS TO THE PROHIBITION ON LOTTERIES AND RAFFLES, SO AS TO CLARIFY THAT ELECTRONIC GAMING DEVICES ARE PROHIBITED; TO AMEND SECTION 33-57-110, RELATING TO DEFINITIONS, SO AS TO EXPAND THE DEFINITION OF A "NONPROFIT

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ORGANIZATION” TO INCLUDE AN ORGANIZATION RECOGNIZED AS TAX-EXEMPT UNDER INTERNAL REVENUE CODE SECTION 501(c)(5) AND TO DEFINE THE TERM “ELECTRONIC GAMING DEVICE”; TO AMEND SECTION 33-57-120, AS AMENDED, RELATING TO RAFFLES CONDUCTED BY NONPROFIT ORGANIZATIONS, SO AS TO AUTHORIZE NONPROFIT ORGANIZATIONS RECOGNIZED AS TAX-EXEMPT UNDER INTERNAL REVENUE CODE SECTION 501(c)(5) TO CONDUCT A RAFFLE AND TO REMOVE THE PROHIBITION ON THE USE OF FUNDS RAISED BY THE RAFFLE TO PURCHASE ATHLETIC EQUIPMENT; TO AMEND SECTION 33-57-140, AS AMENDED, RELATING TO STANDARDS FOR RAFFLES, SO AS TO INCREASE THE FAIR MARKET VALUE OF INDIVIDUAL PRIZE AND TOTAL PRIZE LIMITS; TO AMEND SECTION 33-57-150, RELATING TO ALLOWABLE EXPENSES AND RECORDS FOR A RAFFLE, SO AS TO PROVIDE WHAT MUST BE CONTAINED IN THE REPORT TO THE SECRETARY, TO ALLOW FOR THE SUBMISSION OF ONE REPORT FOR A NONPROFIT ORGANIZATION WITH AFFILIATES OR SUBSIDIARIES UNDER CERTAIN CIRCUMSTANCES, AND TO ESTABLISH CERTAIN RECORD KEEPING REQUIREMENTS; AND TO REPEAL SECTION 33-57-200 RELATING TO THE REPEAL OF CHAPTER 57, TITLE 33.

Senator CAMPSEN asked unanimous consent to make a motion to recall the Bill from the Committee on Labor, Commerce and Industry and recommit the Bill to the Committee on Judiciary.

Senator M.B. MATTHEWS objected.

REPORT OF STANDING COMMITTEE

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3411 -- Reps. G.R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: A BILL TO AMEND SECTION 12-54-122, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX LIENS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO IMPLEMENT A SYSTEM OF FILING AND INDEXING LIENS WHICH IS ACCESSIBLE TO THE PUBLIC OVER THE INTERNET OR THROUGH OTHER MEANS.

Ordered for consideration tomorrow.

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Motion Adopted

On motion of Senator HUTTO, with unanimous consent, Senators were permitted to discuss the Bill prior to it being placed on the calendar.

Senator DAVIS explained the Bill.
Senator SHEHEEN spoke on the Bill.
Senator CLIMER spoke on the Bill.
Senator GROOMS spoke on the Bill.
Senator MALLOY spoke on the Bill.

RECESS

At 4:27 P.M., on motion of Senator MALLOY, the Senate recessed from business not to exceed 2 minutes.

At 4:29 P.M., the Senate resumed.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3411 -- Reps. G.R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: A BILL TO AMEND SECTION 12-54-122, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX LIENS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO IMPLEMENT A SYSTEM OF FILING AND INDEXING LIENS WHICH IS ACCESSIBLE TO THE PUBLIC OVER THE INTERNET OR THROUGH OTHER MEANS.

With unanimous consent, the Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (3411R001.KMM.HKL), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 11 - 37 and inserting:

/ TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 IN THE EVENT THAT THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2020-2021 HAS NOT BEEN ENACTED BY THAT DATE, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT.

Be it enacted by the General Assembly of the State of South Carolina:

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SECTION 1. (A) If the 2020-2021 state fiscal year begins with no annual general appropriations act in effect for that year, the authority to pay the recurring expenses of state government continues at the level of amounts appropriated in Act 91 of 2019 for the recurring expenses of state government for Fiscal Year 2020-2021 except as provided in subsection (B).

(B) The effective dates of Parts IA and IB of Act 91 of 2019 are extended until the effective date for appropriations made in a general appropriations act for Fiscal Year 2020-2021, after which appropriations made pursuant to this joint resolution are deemed to have been made pursuant to the general appropriations act for Fiscal Year 2020-2021.

SECTION 2. Notwithstanding debt service appropriations in Act 91 of 2019 and until the effective date of the appropriations made in a general appropriations act for Fiscal Year 2020-2021, there is appropriated from the general fund of the State whatever amount is necessary for timely debt service on state obligations and other amounts constitutionally required to be appropriated, including the Capital Reserve Fund. The General Reserve Fund is established in the amount required by law.

SECTION 3. This act is effective upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Bill was taken up for immediate consideration, the amendment from the Committee on Finance was adopted, and Bill was read a second time allowing further amendments pursuant to the provisions of Rule 26B.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

REPORT OF STANDING COMMITTEE

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 4014 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 10-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEASE OF DEVELOPMENT RIGHTS TO GEOTHERMAL RESOURCES, SO AS TO DESIGNATE THE DEPARTMENT OF HEALTH AND

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ENVIRONMENTAL CONTROL AS THE DESIGNATED AGENT IN SELECTING LANDS.

Ordered for consideration tomorrow.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to waive the provisions of Rule 26A requiring H. 4014 to be printed on the Calendar.

The Bill was ordered placed in the category of Statewide Second Reading Bills and would be taken up for immediate consideration.

**COMMITTEE AMENDMENT ADOPTED, AMENDED
READ THE SECOND TIME**

H. 4014 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 10-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEASE OF DEVELOPMENT RIGHTS TO GEOTHERMAL RESOURCES, SO AS TO DESIGNATE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AS THE DESIGNATED AGENT IN SELECTING LANDS.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (4014R004.KMM.HKL), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 11 - 38 and inserting:

/ TO MAKE SUPPLEMENTAL APPROPRIATIONS TO THE EXECUTIVE BUDGET OFFICE FOR THE BENEFIT OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2019-2020 FOR THE STATE'S PUBLIC HEALTH RESPONSE TO THE COVID-19 VIRUS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. From the Fiscal Year 2018-2019 Contingency Reserve Fund, there is appropriated \$45,000,000 to the Executive Budget Office for use by the Department of Health and Environmental Control for the coordination of the State's public health preparedness and response to the COVID-19 virus.

SECTION 2. The Executive Budget Office shall establish a COVID-19 Response account separate and distinct from all other accounts. The funds appropriated in SECTION 1 shall be credited to the COVID-19

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Response account. The Department of Health and Environmental Control shall request funds from the account to be expended only for those purposes necessary for the health, safety, and welfare of the public in response to the COVID-19 pandemic. The Executive Budget Office shall release funds from the account upon the Department of Health and Environmental Control's request only if the requested funds are necessary for the health, safety, and welfare of the public in response to the COVID-19 pandemic. Beginning on April 1, 2020 and on the first day of each month thereafter, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds appropriated pursuant to this act. The report shall be transmitted to the Governor, the General Assembly, and made available on the department's website.

SECTION 3. Nothing in this act limits the Department of Health and Environmental Control from continuing to expend funds from other sources, including funds appropriated for the current Fiscal Year, that are necessary to address the State's response to COVID-19. Any unexpended funds appropriated pursuant to this act may be carried forward, without limitation, into the succeeding fiscal year and expended for the same purpose.

SECTION 4. This act takes effect upon approval by the Governor and the appropriations contained herein must be distributed immediately upon approval. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the committee amendment.

The amendment was adopted.

Senators SHEHEEN, ALEXANDER, BENNETT, SETZLER and MALLOY proposed the following amendment (4014R005.KMM.VAS), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTION to read:

/ SECTION __. For the period beginning March 19, 2020 and ending September 1, 2020, the earnings limitation imposed pursuant to Section 9-1-1790 and Section 9-11-90 of the South Carolina Code does not apply to retired members of the South Carolina Retirement System or the Police Officers Retirement System who return to covered employment to participate in the State's public health preparedness and response to the COVID-19 virus. /

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Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

Senators SHEHEEN, MALLOY, BENNETT, and SETZLER proposed the following amendment (4014R007.KMM.VAS), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTION to read:

/ SECTION __. The Department of Health and Environmental Control is authorized to take action to reallocate supplies and employees to meet the demands of hospitals and other medical providers who receive Medicaid or other state funds that are located within specific areas of this State where COVID-19 infections are most concentrated, commonly referred to as hotspots. The provisions of this SECTION expire thirty days after an executive order issued by the Governor lifting a state of emergency related to COVID-19. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, Margie</i>	McElveen	Nicholson
Peeler	Rankin	Reese

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Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

H. 4014 -- Ordered to a Third Reading

On motion of Senator MASSEY, H. 4014 was ordered to receive a third reading on Wednesday, March 18, 2020.

Motion to Ratify Adopted

At 4:40 P.M., Senator MASSEY asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

Motion Adopted

Senator MASSEY moved that when the Senate adjourns today, it stand adjourned to meet Wednesday, March 18, 2020 and Thursday, March 19, 2020 at 11:00 A.M., under the provisions of Rule 1B.

The motion was adopted.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 4:40 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M., pursuant to the provisions of Rule 1B.

* * *

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